



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PAUL MERCER
COMMISSIONER

IN THE MATTER OF

MAINE TURNPIKE AUTHORITY) APPLICATION FOR NATURAL
YORK TOLL PLAZA) RESOURCES PROTECTION ACT PERMIT,
YORK, YORK COUNTY, MAINE) WATER QUALITY CERTIFICATION, AND
L-27241-TG-A-N) SITE LOCATION GENERAL PERMIT
L-27275-TP-A-N) PUBLIC HEARING
) FIRST PROCEDURAL ORDER

This First Procedural Order (Order) sets forth the Presiding Officer’s decisions with respect to Petitions for Leave to Intervene and sets a date for the first pre-hearing conference in this matter.

1. On November 9, 2016, the Maine Department of Environmental Protection (Department) accepted as complete for processing an application submitted by the Maine Turnpike Authority (Authority) for a *Natural Resources Protection Act* permit pursuant to 38 M.R.S. §§ 480-A – 480-JJ and a Notice of Intent to Comply with the Maine State Transportation Site Law General Permit for the Authority (General Permit) pursuant to the *Site Location of Development Act*, 38 M.R.S. §§ 481-490, as incorporated in the General Permit, to construct a new toll plaza at mile 8.8 of the Maine Turnpike in York, Maine.
2. Pursuant to the Department’s *Rule Concerning the Processing of Applications and other Administrative Matters* (Chapter 2 § 7(B)), on December 2, 2016 the Commissioner determined that a public hearing (hearing) will be held on the permit application. The Commissioner designated Marybeth Richardson, an employee of the Department, as the Presiding Officer for the purpose of carrying out the hearing on the application.

PETITIONS FOR LEAVE TO INTERVENE

3. On January 12, 2017, the Presiding Officer issued a Notice setting January 30, 2017 as the deadline to submit Petitions for Leave to Intervene in this licensing matter.
4. On January 27, 2017, the Department received a petition to intervene from the Town of York. On January 30, 2017, the Department received a petition to intervene from Think Again, a local citizens’ group. On February 9, 2017, the applicant submitted its response to the petitions to intervene and stated that at this time it does not object to the petitions being granted.
5. A petition for leave to intervene will be granted if it shows that the petitioner is a person who is or may be substantially and directly affected by the licensing proceeding, or is a member of a class which is or may be substantially and directly affected by the licensing

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proceeding, or is an agency of federal, state, or local government. 5 M.R.S. § 9054(1)(2013). The Department has discretion to allow other petitioners to intervene as a full or limited party to the proceeding. 5 M.R.S. § 9054(2).

6. The petition from the Town of York asserts that the town and its residents are likely to be substantially and directly affected by the Authority's proposal to relocate the York Toll Plaza, citing construction and siting issues and related traffic impacts on local roads. The Town contends that there is a practicable alternative to the proposed project that would be less damaging to the environment. The petition from Think Again asserts that the relocated toll plaza will adversely affect the petitioner's members as a result of the plaza's impacts on the environment and on the safety of its members, including negative traffic impacts on local roads, and that there is a practicable alternative to the proposed project that would be less damaging to the environment. Both petitioners indicated their preparedness and ability to participate in this proceeding.
7. Both petitioners have met the requirements for Intervenor Status set forth in Chapter 3§11 (A)(1) and the Petitions are approved.
8. All parties are expected to comply with deadlines and filing requirements established by the Presiding Officer. Failure to comply may result in appropriate sanctions, including the rejection of argument, evidence or testimony the party seeks to offer.

PRE-HEARING CONFERENCE

7. A pre-hearing conference will be held on Thursday, March 2, 2017 at 10:00 a.m. at the Department's Southern Maine Regional Office located at 312 Canco Road in Portland, Maine. All parties must have a representative in attendance at the conference. Any party that is not present waives its right to object to matters discussed and resolved by way of a procedural order following the conference. The Presiding Officer may limit participation to one representative per party. Members of the public may attend the conference, but may not otherwise participate.

LICENSING FILE

8. The licensing file will be maintained at the Department's Southern Maine Regional Office located at 312 Canco Road in Portland, Maine and it will be available for public inspection upon request and with reasonable notice. Requests to examine the licensing file may be directed to Robert Green at Robert.Green@maine.gov or at (207) 615-2214.

Dated: February 14, 2017



Marybeth Richardson
Presiding Officer

Pre-Hearing Conference Agenda

March 2, 2017

I. General Provisions

- Presiding Officer's general expectations of the parties
- Filing requirements
- Service
 - Consolidation of parties
 - Designation of one spokesperson for each party

II. Conduct of Public Hearing and Site Visit

- Relevant regulatory review criteria
 - Natural Resources Protection Act criteria
 - Site Location General Permit criteria
- Issues that the parties intend to bring forth in the course of the public hearing
- Number and nature of witnesses (in general terms, for planning purposes)
- Estimate of time requested for each party's summary of direct testimony, and for cross-examination
- Location of public hearing
- Site visit - tentative date: April 5, 2017
- Transcription of public hearing

III. Proposed Schedule

- Pre-filed testimony due March 31, 2017
- Any objections to pre-filed testimony due April 11, 2017
- Rebuttal testimony due April 18, 2017
- Public Hearing on May 22, 2017: day session, evening session